

# HOUSE . . . . . No. 97

---

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others relative to the filling of vacancies in the office of United States Senator and Representative in Congress. Election Laws.

---

## The Commonwealth of Massachusetts

---

### PETITION OF:

Bradley H. Jones, Jr.	Robert S. Hargraves
Mary S. Rogeness	Daniel K. Webster
George N. Peterson, Jr.	Lewis G. Evangelidis
John A. Lepper	Karyn E. Polito
Viriato Manuel deMacedo	Paul J.P. Loscocco
Elizabeth A. Poirier	Shirley Gomes
Donald F. Humason, Jr.	Michael J. Coppola
Susan W. Pope	Todd M. Smola
Bradford Hill	Richard J. Ross
Susan Williams Gifford	

---

In the Year Two Thousand and Five.

---

AN ACT RELATIVE TO FILLING VACANCIES IN THE OFFICE OF SENATOR OR REPRESENTATIVE IN CONGRESS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Section 7 of chapter 53 of the General Laws, as  
2     amended by section 1 of chapter 236 of the acts of 2004, is hereby  
3     amended, in the fourth paragraph, in the second sentence by  
4     striking out after the word “secretary” the words “except that, for  
5     special elections for senator or representative in congress, every  
6     nomination paper shall be submitted to the registrars of the city or  
7     town where the signers appear to be voters at or before 5:00 p.m.  
8     of the fourteenth day preceding the day on which it must be filed  
9     with the state secretary, and certification of nomination papers of  
10    candidates shall be completed no later than the 72 weekday hours

11 before the final hour for filing those papers with the state secre-  
12 tary”.

1 SECTION 2. Section 10 of said chapter 53, as amended by  
2 section 2 of chapter 236 of the acts of 2004, is hereby amended, in  
3 the first paragraph, in the fourth sentence by striking out after the  
4 words “office of” the words “senator or”.

1 SECTION 3. Section 28 of said chapter 53, as amended by  
2 section 3 of chapter 236 of the acts of 2004, is hereby amended, in  
3 the first paragraph, in the first sentence by striking out the words  
4 “elections for senator or representative in congress shall be held  
5 on the sixth” and inserting in place thereof the following words:—  
6 congressional elections shall be held on the fifth.

1 SECTION 4. Section 46 of said chapter 53, as amended by  
2 section 4 of chapter 236 of the acts of 2004, is hereby amended, in  
3 the first paragraph, in the first sentence by striking out after the  
4 word “secretary” the words “, except that, for special elections for  
5 senator or representative in congress, every nomination paper  
6 shall be submitted to the registrars of the city or town where the  
7 signers appear to be voters at or before 5:00 p.m. of the fourteenth  
8 day preceding the day on which it must be filed with the state sec-  
9 retary, and certification of nomination papers of candidates shall  
10 be completed no later than the 72 weekday hours before the final  
11 hour for filing those papers with the state secretary.”

12

13 SECTION 5. Chapter 54 of the General Laws, as amended by  
14 sections 5 and 6 of chapter 236 of the acts of 2004, is hereby  
15 amended by striking out section 140 and inserting in place thereof  
16 the following section:—

17 Section 140. a) Upon failure to choose a senator in congress or  
18 upon a vacancy in said office, the vacancy shall be filled for the  
19 unexpired term at the following biennial state election provided  
20 said vacancy occurs not less than seventy days prior to the date of  
21 the primaries for nominating candidates to be voted for at such  
22 election, otherwise at the biennial state election next following.

23 Pending such election the governor shall make a temporary  
24 appointment to fill the vacancy, and the person so appointed shall

25 serve until the election and qualification of the person duly  
26 elected to fill such vacancy.

27 (b) Upon failure to choose a representative in congress or upon  
28 a vacancy in said office, the governor shall cause precepts to be  
29 issued to the aldermen in every city and the selectmen in every  
30 town in the district, directing them to call an election on the day  
31 appointed therein for the election of such representative.

32 If at the time a representative is elected at the biennial state  
33 election, there exists a vacancy in said office, said representative  
34 shall also be deemed to have been elected to serve out such  
35 vacancy.

1 SECTION 6. This act shall take effect immediately upon its  
2 passage.